

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OAKWOOD HEALTHCARE, INC.,  
(Brian Bear)

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

USDC Case No. 2:15-cv-10857  
Hon.

WCCC Case No. 14-0152800-NF  
Hon. Muriel Hughes

---

BRUCE K. PAZNER (P39913)  
JOSHUA S. HAVENS (P75678)  
MARTIN A. HOGG (P76312)  
Attorneys for Plaintiff  
15200 E. Jefferson Avenue, Suite 104  
Grosse Pointe Park, Michigan 48230  
(313) 822-2244  
bruce@panzerlaw.com

CARY R. BERLIN (P64122)  
KATHERINE M. FRIES (P53679)  
PATRICK, JOHNSON & MOTT, P.C.  
Attorneys for Defendant  
27777 Franklin Road, Suite 1400  
Southfield, Michigan 48034  
(248) 356-8590  
cberlin@pjmpc.com

---

**STATE FARM'S NOTICE OF REMOVAL**

The Defendant, State Farm Mutual Automobile Insurance Company ("State Farm"), through its attorneys, Patrick, Johnson & Mott, P.C., removes the above action from the Wayne County Circuit Court to this Court, pursuant to 28 U.S.C. § 1446(b)(3) and 28 U.S.C. § 1446(c)(1), based upon the following grounds:

1. The above action was filed on December 11, 2014 in the Circuit Court for

the County of Wayne, State of Michigan [Case No. 2014-015800-NF] and is now pending in that Court. Copies of all process and pleadings served upon State Farm are attached as **Exhibit “A.”**

2. State Farm is now, and was at the time of the commencement of this action, a corporation organized and existing under the laws of the State of Illinois, having its principal place of business located in the City of Bloomington, State of Illinois. State Farm is, therefore, a citizen and resident of the State of Illinois, and is not a resident, citizen or corporation of the State of Michigan.

3. According to Paragraph 1 of its Complaint, and according to its website, the Plaintiff is a Michigan company, and specifically, a medical care provider, with its principal place of business located in the City of Dearborn, County of Wayne, State of Michigan. [The website is <http://www.oakwood.org/corporate-services>].

4. At the time the Complaint in this matter was filed, the amount in controversy was less than \$75,000.01, based on the medical bills submitted to State Farm regarding Oakwood’s claimed treatment of State Farm’s insured, Brian Bear, related to a February 7, 2014 automobile accident.

5. On February 13, 2015, State Farm received a summons and complaint filed by Mr. Bear, seeking benefits under his State Farm automobile policy and the No-Fault Act, including medical benefits, wage loss and replacement services alleged

to be related to the February 7, 2014 automobile accident.<sup>1</sup>

6. Pursuant to the Michigan Court of Appeals decision in *Moody v. Home Owners Ins. Co.*, 304 Mich. App. 415; 849 N.W.2d 31 (2014), when determining the amount in controversy, the claims of the insured and the medical providers are combined, as the medical provider's claims are entirely derivative of the insured's claims. (*Moody* opinion attached as **Exhibit "B"**).

7. Accordingly, as the combined claims being brought under Mr. Bear's policy are in excess of \$75,000.01 (see Affidavit of State Farm claim representative Erin Anderson, attached as **Exhibit "C"**), both cases are removable to this Court (and should be consolidated into one action).

8. Accordingly, a controversy exists between State Farm and the Plaintiff, and the amount of controversy in this action is at least \$100,000.00, exclusive of interest and costs. (**Exhibit "C"**).

9. This Court has original jurisdiction of the action, pursuant to 28 U.S.C. § 1332, due to the amount in controversy and diversity of citizenship of the parties.

10. Because this matter has been removed within thirty days after receipt by State Farm of the pleading (the Complaint filed by Mr. Bear) where it was first ascertained that the case had become removable, and because the removal is not

---

<sup>1</sup>State Farm has also Removed Brian Bear's lawsuit against it, Case No. 2:15-cv-10856.

occurring more than one year after the commencement of this action, State Farm is entitled to remove the above action from the Wayne County Circuit Court to this Court pursuant to 28 U.S.C. § 1446(b)(3) and 28 U.S.C. § 1446(c)(1).

Respectfully submitted,

**PATRICK, JOHNSON & MOTT, P.C.**

*s/Cary R. Berlin*

Attorneys for Defendant

27777 Franklin Road, Suite 1400

Southfield, Michigan 48034

(248) 356-8590

cberlin@pjmpc.com

P64122

Date: March 6, 2015

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

OAKWOOD HEALTHCARE, INC.,  
(Brian Bear)

Plaintiff,

vs.

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

USDC Case No. 2:15-cv-10857  
Hon.

WCCC Case No. 14-0152800-NF  
Hon. Muriel Hughes

---

BRUCE K. PAZNER (P39913)  
JOSHUA S. HAVENS (P75678)  
MARTIN A. HOGG (P76312)  
Attorneys for Plaintiff  
15200 E. Jefferson Avenue, Suite 104  
Grosse Pointe Park, Michigan 48230  
(313) 822-2244  
bruce@panzerlaw.com

---

CARY R. BERLIN (P64122)  
KATHERINE M. FRIES (P53679)  
PATRICK, JOHNSON & MOTT, P.C.  
Attorneys for Defendant  
27777 Franklin Road, Suite 1400  
Southfield, Michigan 48034  
(248) 356-8590  
cberlin@pjmpc.com

---

**PROOF OF SERVICE**

The undersigned certifies that on March 6, 2015, copies of Defendant's Notice of Removal and this Proof of Service were served upon the Attorney for the Plaintiff via first class mail, by depositing a copy thereof in the U.S. Mail, in postage prepaid envelopes, and upon the Wayne County Circuit Court Clerk via e-filing. I declare under penalty of perjury that the above statement is true to the best of my knowledge, information and belief.

*s/Cary R. Berlin*  
PATRICK JOHNSON & MOTT  
Attorneys for Defendant  
27777 Franklin Road, Suite 1400  
Southfield, Michigan 48034  
248-356-8590  
cberlin@pjmpc.com  
P64122